

## Office Action Summary

Application No.

09/509,265

Applicant(s)

NEWTON, MICHAEL DAVID

Examiner

Paul A Roberts

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a)  The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. No 1449 form was received. The following patents were included with the application and have been perused by the examiner.

PCT/GB99/02403, US (6148888, 5518021, 5876359, 5681339,) WO (94/04398, 00/06904, 96/14785,) UK (UK2214678, 2323453.)

### ***Specification***

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### ***Claim Objections***

3. Claims 8 and 9 are objected to because of the following informalities: “garment(s)” is improper and applicant should change “garment(s)” to “at least one garment.” Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 7 & 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 7 & 12 recite the limitation that “means may be located” this does not adequately define the scope of the applicant’s invention. Please change “may be” to “is.”

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4 & 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Jackson, UK Patent Application 2 214 678. Jackson discloses a pneumatic control system containing at least one inflatable/deflatable article (the tyre):

- a control means (override switches page 5, line 12) to operate the pump (page 4, line 23)
- a connection means (items 8 & 9)
- communication means provided on the tyre, the valve (abstract,) and a communication means provided on the pump (item 8, figure 3.) When the valve is placed into the valve reader information is exchanged and the pump identifies the tyre and inflates the tyre to its correct pressure (page 6, lines 5-8.)

8. Regarding claim 2, the communication means is capable of exchanging information. The valve contains a bar code which the reader observes and then inflates the inflatable accordingly. In pages 3-4; beginning on line 25, page 3 and terminating on line 3, page 4 this process is described, however this passage describes the embodiment using the tyre cap. An analogous process would inherently be undertaken to inflate the article for the tyre value embodiment.

9. Regarding claim 3, the communication means is provided within ("inside the fixed limits of; not beyond"<sup>1</sup>) the connection means.

10. Regarding claim 4, if the tyre valve is taken to be the communication means on the article and the reader on the pump is taken to be the second communication means and these communication means use magnetic energy or a bar code reader as suggested in the third paragraph of the first page, the tyre valve and the reader would not come into physical contact at anytime during the inflation/deflation process.

11. Regarding claims 5-7, a tyre can be used as a support to lie on.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson, in view of Write, US patent # 3,570,495. Jackson discloses a pneumatic device used for inflating articles, especially tyres. Jackson fails to disclose that the apparatus could be used to inflate garments, such as an inflatable tourniquet. Since different tourniquets can have different pressure and volume requirements, an identifier would increase the safety and brevity of the inflation process. Write teaches in column 1, lines 53-67 that different tourniquets can be constructed for different parts of the body. He also teaches that a tourniquet can be inflated with a pump (column 3, 30-40.) It would have been obvious at the time of the invention to one skilled

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<sup>1</sup> *The American Heritage® Dictionary of the English Language, Fourth Edition*

in the art to inflate the tourniquet for the purpose of providing pressure around a person's extremity (column 1, second paragraph.) in a rapid and safe manner by using the pneumatic Jackson device.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 3570495 A	Pneumatic Tourniquet
US 4694409 A	Microprocessor based air inflation control system
US 5741294 A	Method of fixsanguination of a limb
US 5830164 A	Method and apparatus for applying pressure to a body limb for treating edema
US 5966083 A	Electronic indentification system with transponder muting
US 6070687 A	Vehicle occupant restraint device, system, and method having an anti-theft feature
US 6361548 B1	Limb protection sleeve for matching tourniquet cuff

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A Roberts whose telephone number is (703) 305-7558. The examiner can normally be reached on 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Milano can be reached on 703-308-2496. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

Paul Roberts  
October 24, 2002



MICHAEL J. MILANO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700